

## **REMARKS**

Reconsideration of the present application, as amended, is respectfully requested. Claims 33, 54, 61, 63, 67, 68 and 71 have been amended. Claims 40 and 58 have been canceled without prejudice. No new claims have been added.

### **Rejections Under 35 U.S.C. §102**

Claims 33-36, 40-49 and 54-71 stand rejected under 35 U.S.C. §102 as being anticipated by Anderson et al., U.S. Patent No. 6,636,259 (“Anderson”). Applicant respectfully submits that the claims, as amended, are patentable over *Anderson*.

*Anderson* discloses “an automatic system for uploading images from a digital camera to entity-specific photo-sharing websites and for automatically establishing accounts.” (*Anderson*, col. 3, lines 11-15). Each camera is provided with an entity ID after manufacture, which can be used to set up an account. (*Anderson*, col. 6, lines 22-35). To access the website, a cell phone may be used to provide the camera with wireless capability, or the camera may have built in wireless capability. (*Anderson*, col. 8, lines 47-54). Once the website is accessed, the website analyzes a configuration file on the camera. (*Anderson*, col. 10, lines 15-16). If no configuration file is present in the camera, and the camera has an appropriate entity ID, then a new account is set up and a configuration file containing the entity ID, a password, and an action list is downloaded to the camera. (*Anderson*, col. 10, lines 15-17 and 38-47). Once the account is verified, images are uploaded from the camera to the website. (*Anderson*, col. 8, lines 2-4).

### **Claims 33-36 and 41-49**

As amended, claim 33 teaches a system facilitating uploading of digital images from a camera, the system comprising:

a Web site for hosting said digital images captured by the digital camera;  
a transport mechanism for uploading the digital images from the digital camera to a user account at the Web site, said user account being pre-provisioned for the digital camera;  
a module for automatically associating the digital images uploaded to the Web site with the pre-provisioned user account and thereafter providing on-line access to the digital images, without requiring a user to manually set up the user account and;  
a provisioning information module that generates a unique device ID that is used by an accounting management module for associating the digital images with a particular cellular phone device used by the digital camera to upload digital images.

(Claim 33, as amended)

*Anderson* does not teach or suggest associating digital images with a particular phone device. Nor does *Anderson* teach or suggest generating a unique device ID for associating digital images with a particular cellular phone device. *Anderson* discusses associating digital images with a particular digital camera, but does not address the use of the cellular phone device, except as a neutral conduit. Therefore, the Applicant respectfully submits that claim 33 is in condition for allowance and respectfully requests that examiner remove his rejection under 35 U.S.C. §102.

Claims 34-36 and 41-49 depend from and further limit independent claim 33. Therefore, applicant respectfully submits that claims 34-36 and 41-49 are patentable for at least the same reasons advanced above with regard to claim 33, and requests withdrawal of the 35 U.S.C. §102 rejections.

Claims 54-58 and 60

As amended, claim 54 teaches an apparatus for automating activation of a user account associated with a user-operated device, comprising:

- a Web site to host user data transferred by the user-operated device;
- a transport mechanism to enable uploading of the user data from the user-operated device to a user account at the Web site, the user account being pre-provisioned for the user-operated device;
- a module for automatically associating the user data uploaded to the Web site with the pre-provisioned user account based on a unique device ID, and thereafter providing on-line access to the user data, such that the user need not manually establish the user account at the Web site; and
- a buffer to temporarily store the user data prior to determining the user account associated with the unique device ID.

(Claim 54, as amended)

*Anderson* does not teach or suggest the use of a buffer to temporarily store user data prior to determining the user account associated with the unique device ID. Rather, *Anderson* uses a configuration file containing the entity ID, a password, and an action list, downloaded to the camera. (*Anderson*, col. 10, lines 15-17 and 38-47). Therefore, the Applicant respectfully submits that claim 54 is in condition for allowance and respectfully requests that examiner remove his rejection under 35 U.S.C. §102.

Claims 55-58 and 60 depend from and further limit independent claim 54. Therefore, applicant respectfully submits that claims 55-58 and 60 are patentable for at least the same reasons advanced above with regard to claim 54, and requests withdrawal of the 35 U.S.C. §102 rejections.

## Claims 61-62

As amended, claim 61 teaches a system to enable automatic provisioning of a new user account, comprising:

- a receiving logic to receive data from a peripheral device having a unique device ID, the data destined for storage on a repository on the system;
- an account management module to automatically establish a user account, including creating a user identifier (ID) based, at least in part, on said unique device ID assigned to the user-operated device;
- a media gateway to associate the data with said user ID;
- such that an account is automatically created for the owner of the peripheral device, without requiring the user to first set up a user account, or requiring any additional information to be stored on the peripheral device.

(Claim 61, as amended)

*Anderson* does not teach or suggest a system for automatic account generation wherein no additional data is stored on a peripheral device. In contrast, *Anderson* discloses that upon setting up a new account, a configuration file containing the entity ID, a password, and an action list is downloaded to the camera. (*Anderson*, col. 10, lines 15-17 and 38-47). Therefore, the Applicant respectfully submits that claim 61 is in condition for allowance and respectfully requests that examiner remove his rejection under 35 U.S.C. §102.

Claim 62 depends from and further limits independent claim 61. Therefore, applicant respectfully submits that claim 62 is patentable for at least the same reasons advanced above with regard to claim 61, and requests withdrawal of the 35 U.S.C. §102 rejection.

### Claims 63-71

As amended, claim 63 teaches a method facilitating uploading of user data from a user-operated device, comprising:

receiving a transfer request from a cellular phone having a unique device ID, to transfer data to a Web site from the user-operated device;

determining if there is a user account associated with the unique device ID, and if so, associating the user data with the user account; and

if there is no user account associated with the unique device ID, establishing a user account automatically at the particular Web site, including creating a user identifier (ID) based, at least in part, on said unique device ID.

*Anderson* does not teach or suggest a cellular phone having a unique device ID.

Nor does *Anderson* teach or suggest determining if there is an account based on a unique device ID assigned to a cellular phone or creating a user ID based on a unique device ID. Therefore, the Applicant respectfully submits that claim 63 is in condition for allowance and respectfully requests that examiner remove his rejection under 35 U.S.C. §102.

Claims 64-71 depend from and further limit independent claim 63. Therefore, applicant respectfully submits that claims 64-71 are patentable for at least the same reasons advanced above with regard to claim 63, and requests withdrawal of the 35 U.S.C. §102 rejections.

### **Conclusion**

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated:

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